

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

GEORGE HENGLE, *et al.*, on behalf of
themselves and all individuals similarly
situated,

Plaintiffs,

V.

SCOTT ASNER, *et al.*,

Defendants.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Case No. 3:19-cv-250-DJN

**DEFENDANTS SCOTT ANSNER, MICHAEL GORTENBURG, AND DAVID
VITTOR'S ANSWER TO SECOND AMENDED CLASS ACTION COMPLAINT**

Defendants Scott Asner, Michael Gortenburg, and David Vittor (collectively, “Defendants”), by and through counsel, state the following as their Answer and Affirmative and Other Defenses to the Second Amended Class Action Complaint (Dkt. No. 188) (“SAC”) in the above-captioned action (the “Action”).

Pursuant to Federal Rule of Civil Procedure 8(b)(3), Defendants generally deny all material allegations in the SAC, other than admitting: (1) this Action is suitable for class treatment solely for purposes of the settlement filed with the Court (Dkt. Nos. 185 & 186), and only to the extent the Court preliminarily and finally approves such settlement, and (2) this Court has jurisdiction to approve and enforce such settlement.

In particular, Defendants deny any fault, wrongdoing, or liability whatsoever to Plaintiffs or to others similarly situated, including all members of the Settlement Class, arising out of or related to Defendants' business practices, and affirmatively state that their practices have been lawful and proper; deny that they have participated in the conduct of a RICO enterprise or conspired to do so; deny that they have violated any state usury statute; deny that they have been

unjustly enriched to the detriment of Plaintiffs or class members; deny that their alleged conduct has caused Plaintiffs or class members any damages; deny that this case should be litigated rather than arbitrated; deny that any of the Plaintiffs' or class members' claims are timely and affirmatively state that they are barred by the applicable statutes of limitations; and deny that resolution of the merits of the Action is suitable for class treatment.

Defendants further state each Affirmative and Other Defense set forth in the Answer to the Amended Complaint (Dkt. No. 61), each of which is incorporated by reference herein. Defendants have not knowingly or intentionally waived any additional applicable defenses and reserve the right to assert any and all additional applicable defenses.

Defendants reserve the right to amend this Answer to the SAC in any respect.

Dated: May 10, 2022

Respectfully submitted,

SCOTT ASNER, MICHAEL GORTENBURG and
DAVID VITTOR

By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel for record.

By: _____ /s/
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